

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 1:22-cv-00136-DII

JURY TRIAL DEMANDED

JOINT STATUS REPORT

Pursuant to this Court’s Order dated June 17, 2024 (Dkt. 95), Plaintiff Netlist, Inc. (“Plaintiff”) and Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Defendants”) hereby submit the following joint status report regarding pending inter partes review proceedings relating to the Patents-in-Suit:

I. U.S. PATENT NO. 9,824,035 (PTAB CASE NO. IPR2022-00236)
(FINAL WRITTEN DECISION ISSUED)

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 9,824,035.
- On July 19, 2022, the Board granted the Petition and trial was instituted.
- On October 11, 2022, Plaintiff submitted its Patent Owner’s Response.
- On January 17, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On February 28, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On April 19, 2023, an Oral Argument for the proceeding commenced.

- On June 20, 2023, the Board issued its Final Written Decision affirming validity of claims 2, 6, and 22, and finding claims 1, 10-13, and 21 invalid.
- On July 20, 2023, Defendants filed a request for rehearing and on August 16, 2023, the Board granted the request and found claim 22 invalid. Following the rehearing, the validity of claims 2 and 6 was confirmed, and claims 1, 10-13, 21, and 22 were held invalid.

II. **U.S. PATENT NO. 10,268,608**

A. **DEFENDANTS' FIRST IPR (PTAB CASE NO. IPR2022-00237)** **(INSTITUTION DENIED)**

- On December 23, 2021, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- On July 19, 2022, the Board denied the Petition, and no trial was instituted.
- On August 12, 2022, the Defendants filed a request for rehearing and on September 16, 2022, the Board denied the request.

B. **SAMSUNG'S IPR (PTAB CASE NO. IPR2023-00847) (INSTITUTED)**

- On April 27, 2023, Samsung Electronics Co., Ltd. filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608.
- On December 12, 2023, the Board granted the Petition and trial was instituted.
- On September 5, 2024, the Board heard oral argument.
- On December 10, 2024, the Board issued a Final Written Decision determining no challenged claims unpatentable.

C. **DEFENDANTS' SECOND IPR (PTAB CASE NO. IPR2024-00370)** **(INSTITUTION DENIED)**

- On January 10, 2024, Defendants filed a Petition for *Inter Partes* Review of U.S. Patent No. 10,268,608. The IPR is substantially similar to Samsung's IPR2023-00847.
- On January 10, 2024, Defendants also filed a Motion for Joinder to Samsung's IPR2023-00847.
- On July 23, 2024, the Board denied Defendants' IPR Petition and Motion for Joinder to Samsung's IPR2023-00847.
- On August 21, 2024, Defendants filed a Request for Director Review of the Board's decision, which was denied on October 8, 2024.

III. U.S. PATENT NO. 10,489,314 (PTAB CASE NOS. IPR2022-00744 AND IPR2022-00745) (FINAL WRITTEN DECISIONS ISSUED – APPEAL PENDING)

- On March 30, 2022, Defendants filed two Petitions for *Inter Partes* Review of U.S. Patent No. 10,489,314.
- On November 1, 2022, the Board granted the Petitions and trial was instituted.
- On February 7, 2023, Plaintiff submitted its Patent Owner’s Response.
- On May 5, 2023, Defendants submitted their Reply to Patent Owner’s Response.
- On June 16, 2023, Plaintiff submitted its Sur-Reply to Defendants Reply to Patent Owner’s Response.
- On August 15, 2023, Oral Argument for the proceedings was held.
- On October 30, 2023, the Board issued two Final Written Decisions determining no challenged claims unpatentable in either of the IPR proceedings.
- The Federal Circuit docketed Micron’s appeal in consolidated CAFC Case Nos. 24-1312 (Lead) and 24-1313.
- Briefing is complete, and the appeal awaits oral argument.

Dated: January 1, 2025

Respectfully Submitted,

/s/ Philip Warrick

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on the 1st day of January 2025.

/s/ Kelly Ransom